

REMARKS

Claims 1-9 remain in the present application. Claim 2 is amended herein. Applicant respectfully submits that no new matter has been added as a result of the claim amendment. Applicant respectfully requests further examination and reconsideration of the rejections based on the amendments and arguments set forth below.

Claim Rejections – 35 U.S.C. §102

Claims 1-2 are rejected in the present Office Action under 35 U.S.C. §102(b) as being anticipated by United States Patent Number 1,778,147 to Edwards (hereafter referred to as “Edwards”). Applicant has reviewed the cited reference and respectfully submits that the embodiments of the present invention as recited in Claims 1-9 are neither anticipated nor rendered obvious by Edwards for the following reasons.

Applicant respectfully directs the Examiner to independent Claim 1 that recites a method for fabricating fire retardant composite panels, comprising (emphasis added):

creating a water-based slurry comprising a boron salt solution and a plurality of suspended boron salt particles;
adding an adhesive to a ligneous material; and
introducing said water-based slurry to said ligneous material for fire retarding thereof, wherein said introducing is performed separately from said adding.

Claims 2-9 depend from independent Claim 1 and recite further limitations to the claimed invention.

Applicant respectfully submits that Edwards fails to teach or suggest the limitation of “creating a water-based slurry comprising... suspended boron salt

particles” as recited in independent Claim 1. As recited and described in the present application, a water-based slurry is introduced to a ligneous material, where the water-based slurry comprises suspended boron salt particles.

In contrast to the claimed embodiments, Applicant understands Edwards to teach precipitating calcium borate in a wood-pulp mixture (page 1, lines 45-84). Applicants respectfully submit that calcium borate is not a boron salt as claimed. As such, Applicants respectfully submit that Edwards teaches away from the claimed embodiments by teaching creation of a wood-pulp mixture with *calcium borate* precipitate instead of creating a water-based slurry comprising suspended *boron salt* particles as claimed.

Applicant respectfully submits that Edwards fails to teach or suggest the limitation of “introducing said water-based slurry to said ligneous material” as recited in independent Claim 1. As recited and described in the present application, a water-based slurry comprising suspended boron salt particles is introduced to a ligneous material.

In contrast to the claimed embodiments, Edwards teaches adding a sodium tetraborate solution to a wood-pulp mixture (page 1, lines 61-64). However, Edwards fails to teach or suggest that the sodium tetraborate solution added to the wood-pulp mixture comprises suspended boron salt particles as claimed. As such, Applicant respectfully submits that the solution added to the wood-pulp mixture as taught by Edwards is not a water-based slurry comprising suspended boron salt particles as claimed. Thus, Applicant respectfully submits that Edwards teaches away from the claimed embodiments.

For these reasons, Applicant respectfully submits that independent Claim 1 is neither anticipated nor rendered obvious by Edwards, thereby overcoming the 35 U.S.C. §102(b) rejection of record. Since dependent Claim 2 recites further limitations to the invention claimed in independent Claim 1, dependent Claim 2 is also neither anticipated nor rendered obvious by Edwards. Therefore, Claims 1-2 are allowable.

Claim Rejections – 35 U.S.C. §103

Claims 1-4

Claims 1-4 are rejected in the present Office Action under 35 U.S.C. §103(a) as being unpatentable over United States Patent Number 1,939,082 to Quinn (hereafter referred to as “Quinn”). Applicant has reviewed the cited reference and respectfully submits that the embodiments of the present invention as recited in Claims 1-4 are not rendered obvious by Quinn for the following reasons.

Applicant respectfully submits that Quinn fails to teach or suggest the limitation of “creating a water-based slurry comprising... suspended boron salt particles” as recited in independent Claim 1. As recited and described in the present application, a water-based slurry comprising suspended boron salt particles may be added to a ligneous material for fire retarding thereof.

In contrast to the claimed invention, Applicant fail to find any teaching or suggestion in Quinn of creation of a water-based slurry comprising boron salt particles as claimed. Further, Quinn teaches applying boron salt particles directly to wood fibers (page 1, lines 60-62), thereby teaching away from the

creation and application of a water-based slurry comprising boron salt particles as claimed.

For these reasons, Applicant respectfully submits that independent Claim 1 is not rendered obvious by Quinn, thereby overcoming the 35 U.S.C. §103(a) rejection of record. Since dependent Claims 2-4 recite further limitations to the invention claimed in independent Claim 1, dependent Claims 2-4 are also not rendered obvious by Quinn. Therefore, Claims 1-9 are allowable.

Claim 5

Claims 5 is rejected in the present Office Action under 35 U.S.C. §103(a) as being unpatentable over Quinn. Applicant has reviewed the cited reference and respectfully submits that the embodiments of the present invention as recited in Claim 5 are not rendered obvious by Quinn as Claim 5 depends from independent Claim 1 which is allowable for the reasons discussed above. Therefore, Claim 5 is also allowable.

Claims 6-9

Claims 6-9 are rejected in the present Office Action under 35 U.S.C. §103(a) as being unpatentable over Quinn in view of United States Patent Number 1,860,134 to Brown (hereafter referred to as "Brown"). Applicant has reviewed the cited references and respectfully submits that the embodiments of the present invention as recited in Claims 6-9 are not rendered obvious by Quinn in view of Brown since Brown also fails to teach or suggest the limitations of "creating a water-based slurry comprising... suspended boron salt particles" as recited in independent Claim 1. Since dependent Claims 6-9 recite further limitations to the invention claimed in independent Claim 1, dependent Claims 6-

9 are not rendered obvious by Quinn in view of Brown. Therefore, Claims 6-9 are allowable

CONCLUSION

Applicant respectfully submits that Claims 1-9 are in condition for allowance and Applicant earnestly solicits such action from the Examiner.

The Examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 50-4160.

Respectfully submitted,

MURABITO, HAO & BARNES LLP

Dated: 7/16, 2007

Bmf

Bryan M. Failing
Registration No. 57,974

Two North Market Street
Third Floor
San Jose, CA 95113
(408) 938-9060